

tenements, by warrant under the hand and seal of any two justices of the peace of the county where such person resides.

67. In all cases where it shall be necessary to recover any fine or forfeiture, or other money wherewith any person may become chargeable under this article, by distress and sale or execution of his property, the sheriff or other person executing for the same shall take such property as shall be offered or shown to him of the value of such debt and costs.

68. If no property shall be shown or offered to the sheriff or other person, such sheriff or other person shall not take in execution any negro or other valuable property to satisfy a small fine or sum if property of small value can be found, but he shall take such property if any can be found as will pay the sum due, with the costs of levying the same, or as nearly as may be, and no more, and any person offending herein shall forfeit and pay treble the sum so levied, to be recovered by the party aggrieved by indictment or action of debt in the county where the offence shall happen.

69. No colonel or commanding officer of a battalion or squadron shall be obliged to find a substitute for any delinquent, unless he is of the opinion that such delinquent has sufficient property to pay the expenses of procuring a substitute; and if such commanding officer shall be of opinion that any delinquent has not sufficient property to pay the expenses of procuring a substitute, he shall make application to a justice of the peace of the county where such delinquent resides, who shall thereupon issue his warrant to the sheriff of the county to arrest the delinquent and confine him in the common jail, there to remain for a certain time to be specified in the warrant, not exceeding twenty days, and the sheriff shall keep such delinquent in jail unless he shall agree to serve or find a substitute; *Provided, however,* that no militiaman having personally or by substitute served in the militia shall be obliged to serve again until by rotation it comes to his turn.

70. If any person shall think himself aggrieved in the seizure of his goods and chattels, lands and tenements, he may appeal to the Circuit Court for the county, and upon his giving sufficient security within six days next after any goods, lands or tenements shall be seized or distrained as aforesaid to prosecute his appeal with effect, the justice shall stay further process;